
**State Government Operations &
Accountability Committee**

HB 2750

Brief Description: Prohibiting the disclosure of federal social security numbers by county auditors.

Sponsors: Representatives Sells, McCoy, Moeller and Morrell.

Brief Summary of Bill

- Prohibits county auditors from publicly disclosing or otherwise allowing public access to federal social security numbers contained in any documents, records, or files maintained by county auditors, unless the individual to whom the social security number is assigned gives his or her express written consent to disclose the number or disclosure of the number is requested by a federal, state, or local agency.
- Requires county auditors to assess a one dollar surcharge for each recorded document, to be used for the administrative and technological costs associated with creating a system that ensures the removal of social security numbers from documents filed with county auditors that are subject to disclosure, and terminates the surcharge provision on July 1, 2011.
- Exempts federal social security numbers from disclosure under the Public Records Act unless the individual to whom the social security number is assigned gives his or her express written consent to disclose the number or disclosure is requested by a federal, state, or local agency.

Hearing Date: 1/31/06

Staff: Kathryn Leathers (786-7114).

Background:

The Public Disclosure Act (PDA) requires that all state and local government agencies make all public records available for public inspection and copying unless they fall within certain statutory exemptions. The provisions requiring public records disclosure must be interpreted liberally, and the exceptions narrowly, in order to effectuate a general policy favoring disclosure.

Among other express exclusions, the following public records are not available for inspection and copying by the public: (1) personal information in files the disclosure of which would violate the

right to privacy; (2) certain taxpayer information; (3) preliminary drafts or notes; (4) certain financial and commercial information supplied by individuals applying for various programs; and (5) valuable formulae or designs.

A person's right to privacy is invaded or violated only if disclosure of information about the person would be highly offensive to a reasonable person and the disclosure of such information is not of legitimate concern to the public. Except in limited circumstances related to confidential income data, exemptions related to records containing private data or vital governmental interests do not provide a blanket protection of an entire record from disclosure; that is, to the extent possible, the exempt information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted and the remainder of the records disclosed.

In general, federal social security numbers (SSN) are not exempt from disclosure. One exception applies to the SSNs of health professionals that are maintained in the files of the Department of Health; however this exception does not apply if disclosure is requested by a federal state, or local agency, or by national and state licensing, credentialing, investigatory, disciplinary, or examination organizations.

The Privacy Act of 1974 (Privacy Act) requires all federal, state, and local government agencies that request SSNs to provide a "disclosure" statement on the form. The disclosure statement explains whether a person is required to provide his or her SSN or whether it is optional; how the SSN will be used; and under what statutory or other authority the number is requested. Except in certain circumstances, the Privacy Act states that you cannot be denied a government benefit or service if you refuse to disclose your SSN. One such exception is if the disclosure is required by federal law. The Tax Reform Act of 1976 expressly exempts state agencies from the Privacy Act provision allowing persons to refuse to disclose their SSNs, but only to the extent that social security numbers are used in the administration of any tax, general public assistance, driver's license, or motor vehicle registration law within its jurisdiction.

Summary of Bill:

The duties of county auditors are modified prohibit any county auditor from publicly disclosing or otherwise allowing public access to federal social security numbers contained in any documents, records, or files maintained by county auditors, unless (a) the individual to whom the social security number is assigned gives his or her express written consent to disclose the number; or (b) the disclosure of the number is requested by a federal, state, or local agency.

For each recorded document, the county auditor must charge a one dollar surcharge, in addition to any other charge authorized by law, to be used for the administrative and technological costs associated with creating a system to ensure that social security numbers are removed or redacted from documents that are subject to disclosure. The surcharge provision expires on July 1, 2011.

Federal social security numbers are exempt from disclosure under the Public Disclosure Act, unless (a) the individual to whom the social security number is assigned gives his or her express written consent to disclose the number; or (b) the disclosure of the number is requested by a federal, state, or local agency.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.